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PROC

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

[Protest of Wage Determination Contained in IFB]

FILE: B-200762

DATE: October 24, 1980

MATTER OF: Monarch Enterprises, Inc.

DIGEST:

Where prior to bid opening bidder protests to agency wage determination included in IFB, agency's opening of bids without changing wage determination constitutes initial adverse agency action and protest filed with GAO more than 10 working days after bid opening is untimely under 4 C.F.R. § 20.2(a).

Monarch Enterprises, Inc. (Monarch), has (protested) the wage determination contained in invitation for bids (IFB) No. DLA-600-80-B-0133 (issued by the Defense Fuel Supply Center.)

Monarch (believes the wage determination does not reflect the wages paid in the locality where the contract will be performed) and, prior to bid opening, protested the matter to the Department of Labor.

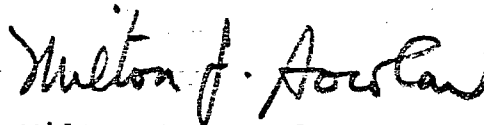
Prior to bid opening, Monarch also protested the matter to the contracting officer, who extended the bid opening date until July 10, 1980. It appears from the record that bids were opened on that date without any change in the wage determination.

As Monarch's (protest was not filed with our Office until more than 3 months after bid opening, it is untimely under our Bid Protest Procedures) (4 C.F.R. part 20 (1980)). Section 20.2(a) of the Procedures (requires that protests to our Office be filed within 10 working days of actual or constructive knowledge of initial adverse agency action.) In this case, the adverse agency action was the bid opening

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on July 10 without changing the wage determination.
Professional Computer Services--Reconsideration,
B-197450.2, March 6, 1980, 80-1 CPD 179. See also,
Custodial Guidance Systems, Inc., B-197706.3, June 3,
1980, 80-1 CPD 377.

The protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel